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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/824,781  
Filing Date: April 04, 2001  
Appellant(s): VANSKA ET AL.

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James Hwu  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed October 3, 2007 appealing from the Office action mailed July 6, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

US 20010014911 A1	Doi et al.	20010816
US 6982962 B1	Lunsford; Eric Michael et al.	20060103
US 6496931 B1	Rajchel; Suzanne Kennedy	20021217

et al.

US 20020069117 A1      Carothers, Christopher D.      20020606

et al.

US 6611501 B1      Owen; Martin John et al.      20030826

US 6374359 B1      Shrader; Theodore Jack      20020416

London et al.

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18, 21-25, 31-32, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al. (US 2001/0014911) (hereinafter Doi) in view of Lunsford et al. (USPN 6,982,962) (hereinafter Lunsford).

1. Referring to claim 1, Doi discloses a method of managing user privacy in a network environment (e.g. abstract), comprising:

determining a privacy level (i.e. user identifiable or user anonymous) at which communications is conducted with a service operator (Figures 11-12; p. 6, ¶ 67-73);

conducting the communications with the service operator at the privacy level (Figures 11-12; p. 6, ¶ 67-73);

Doi does not specifically state recognizing one or more service opportunities of a service operator on a user device operated by a user. In analogous art, Lunsford discloses another method of managing user privacy in a network (col. 6, line 66 to col.

7, line 5) which discloses recognizing one or more service opportunities of a service operator on a user device operated by a user (i.e. inquiry) and determining a privacy level relating to the one or more service opportunities of the service operator (i.e. user preferences relating to security), and the recognizing occurs before the determining and conducting (i.e. the privacy level cannot be ascertained before the service is known, and therefore the service cannot be connected to until the service is known) (col. 6, lines 45-60; col. 7, lines 12-25).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Lunsford with Doi in order to simplify the user's experience of choosing a suitable connection to an optimum network access provider as supported by Lunsford (col. 1, lines 40-45). Furthermore the dynamic profile management system of Doi would benefit the system of Lunsford by controlling the availability of user identification information, thereby controlling the dissemination of information, resulting in a more secure connection with a network services provider.

Furthermore, one of ordinary skill in the art would have found it obvious to combine the teaching of Lunsford with Doi since Lunsford describes a modification of a similar service access system, and therefore one of ordinary skill in the art would find it obvious to combine the teachings of Lunsford with the system of Doi in order to realize the benefits described in Lunsford with the system of Doi, namely the ability to simplify the user's experience of selecting an optimum network access provider (Lunsford: col. 1, lines 40-45).

2. Referring to claims 2 and 3, Doi discloses the user device is a Bluetooth enabled wireless communications device which automatically discovers service opportunities (it is well known in the art that Bluetooth devices automatically search for new service opportunities) (p. 2, ¶ 34).

3. Referring to claim 4, Doi-Lunsford discloses the recognizing comprises anonymously obtaining information relating to the one or more service opportunities (Doi: pp. 2-3, ¶ 36; Lunsford: col. 5, lines 31-50).

4. Referring to claim 5, Doi-Lunsford discloses the information relating to the one or more service opportunities comprises a service category (i.e. user identifiable or user anonymous, location dependent or location independent) (Doi: Figure 7; p. 5, ¶ 55-62; Lunsford: "which class of devices should respond", col. 5, lines 31-50).

5. Referring to claims 6 and 18, Doi discloses allowing the service provider to obtain access to a subset of profile information of the user according to the service category (i.e. user anonymous would not obtain the user identifier from the profile) (pp. 2-3, ¶ 37-39).

6. Referring to claim 7, Doi discloses providing personalized service to the user according to the subset of profile information (i.e. location dependent data is transmitted

in the dynamic profile in order to provide the user with personalized service relating to the location of the user) (p. 3, ¶ 43).

7. Referring to claim 8, Doi discloses obtain a subset of profile information of the user according the requested viewpoint (the Office takes the term “viewpoint” as any visual key in order to differentiate this point from any other point, such as traffic directions) (p. 5, ¶ 61).

8. Claim 9 is rejected for similar reasons as stated above.

9. Referring to claim 10, Doi discloses the privacy level includes Anonymous (i.e. if the user ID is never transmitted, then it is considered Anonymous transmission) (pp. 2-3, ¶ 37).

10. Referring to claim 11, Doi discloses the determining a privacy level determines a privacy level based on the nature of the service negotiations with the service operator (i.e. if the user wishes to access location dependent information, it is required to provide the location of the user) (p. 3, ¶ 43).

11. Referring to claim 12, Doi discloses the privacy level is based upon one or more prior transactions with the specific service operator (i.e. if the user has authorized the use of user identification, then the user is unable to proceed back to the anonymous

transactions, because they have already authenticated themselves to the system)  
(Figure 12 and related portions of the disclosure).

12. Referring to claim 13, Doi discloses the determining a privacy level determines a privacy level based on the identity of the service operator (i.e. if the service operator is location dependent, then it must be known where the user is located) (Figure 1; pp. 2-3, ¶¶ 36-39).

13. Referring to claim 14, Doi discloses the determining a privacy level determines a privacy level based on user-defined parameters (Figure 2, and related portions of the disclosure).

14. Claim 15 is rejected for similar reasons as stated above.

15. Referring to claim 16, Doi discloses obtaining a user identifier (i.e. temporary ID) to conduct pseudonymous communications with the service operator relating to the one or more service opportunities (Figure 3, and related portions of the disclosure).

16. Claim 17 is rejected for similar reasons as stated above.

17. Referring to claim 21, Doi discloses:  
determining a profile access level (Figure 2);



transmitting the profile access level to the service operator (Figures 2-3 and related portions of the disclosure);

wherein the service operator obtains a subset of profile information from a profile operator according to the profile access level (Figure 3).

18. Claim 22 is rejected for similar reasons as stated above.

19. Referring to claim 23, Doi discloses determining a profile access determines the profile access level based upon a prior arrangement between the service operator and the user (i.e. determining whether to use a static or dynamic user profile) (Figures 8A-B; p. 5, ¶¶ 58-61).

20. Referring to claim 24, Doi discloses updating the profile information of the user (Figure 3).

21. Referring to claim 25, Doi discloses updating the profile information based upon user information provided by the service operator (i.e. updating location information in a user profile) (Figure 3).

22. Referring to claim 31, Doi discloses the user device is a mobile wireless device (Figure 6).

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23. Referring to claim 32, Doi discloses receiving service from the service operator (e.g. abstract).

24. Claim 34 is rejected for similar reasons as stated above.

25. Referring to claims 35 and 36, Doi discloses conducting the communications comprises the user device controlling the information sent from the device according to the privacy level (the user, through the user device, determines whether the request is for location dependent, or location independent service, and therefore controls what information the service provider receives, either the dynamic and static profile for location dependent service, or only the static profile for location independent service) (p. 5, ¶¶ 59-64).

26. Referring to claims 19 and 26, Doi discloses the invention substantively as described in the claims above. Doi remains silent upon compensation for obtaining profile information from the user as well as the service provider providing information to the user. However it is well known that third-party advertising servers can pay to obtain mailing lists from companies in order to track advertising for its customers. It is also well known that GPS companies can have subscription services in order to provide users information. By this rationale it would have been obvious to one of ordinary skill in the art to modify the system as described in Doi to include compensation to further enhance commerce and business tactics.

27. Referring to claim 27, Doi discloses the invention substantively as described in claim 24, Doi does not disclose tracking user activity on the user device, however it is well known that servers can use tracking cookies in order to track users throughout their website, and in order for advertisers to determine which advertisements to transmit to the user. By this rationale it would have been obvious to one of ordinary skill in the art to update the dynamic user profile of Doi to include tracking information in order to track users using the system as well as for logging and security systems, which is well known as being under constant attacks from hackers.

28. Referring to claim 28, Doi discloses the invention substantively as described in claim 1. Doi does not specifically disclose the service opportunities recognized by the user are dynamically changed by the service provider. However, Doi does disclose that the invention can be used in a high speed mobile object such as an automobile, car, etc. (p. 6, ¶ 75), and it is well known that multiple cell towers and GPS satellites are used in order to track a user throughout an area, thereby it would be obvious that the service opportunities (i.e. the wireless gateways would change as the object moves around) would dynamically change in order to compensate for the high rate of speed of the object, thereby allowing the user to stay in communication with the system.

29. Referring to claim 30, Doi discloses the invention substantively as described in claim 1. Doi does not specifically disclose the system communicates across a personal

area network. However it is well known that Bluetooth devices, such as described in Doi are compatible with the system, are used in a personal area network to communicate devices close to the user. By this rationale it would have been obvious to one of ordinary skill in the art to allow the user to communicate through a PAN to allow devices close in proximity to communicate while not interfering with other devices further away.

30. Claims 37-39 are rejected for similar reasons as stated above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doi in view of Lunsford in view of Rajchel et al. (USPN 6,496,931) (hereinafter Rajchel).

31. Doi in view of Lunsford discloses the invention substantively as described in claim 18. Doi in view of Lunsford does not disclose the profile information is remotely located from the user device. In analogous art, Rajchel discloses another method of managing user privacy wherein the service provider obtains the profile information (i.e. user information record) from a profile operator remotely located from the user device (Figure 3, 43 and related portions of the disclosure). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Rajchel with Doi and Lunsford to allow a web site operator the ability to track meaningful information regarding the user without compromising the identity of the user as supported by Rajchel (col. 3, lines 18-25).

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doi in view of Lunsford in view of Carothers et al. (US 2002/0069117) (hereinafter Carothers).

32. Doi in view of Lunsford discloses the invention substantively as described in claim 32. Doi in view of Lunsford does not disclose payment for the service obtained by the user is conducted anonymously. In analogous art, Carothers discloses another method of managing user privacy wherein payment for the service obtained by the user is conducted anonymously (p. 1, ¶ 9). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Carothers with Doi and Lunsford in order to allow consumers the ability to barter with one another without needing to be physically present as supported by Carothers (p. 1, ¶ 9).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doi in view of Lunsford in view of Owen et al. (USPN 6,611,501) (hereinafter Owen).

33. Doi in view of Lunsford discloses the invention substantively as described in claim 28. Doi in view of Lunsford does not specifically disclose the service opportunities are dynamically changed by the service provider according to profile information of the user. In analogous art, Owen discloses service opportunities are dynamically changed by the service provider according to profile information of the user (col. 4, lines 35-55). It would be obvious to a person of ordinary skill in the art at the time the invention was

made to combine the teaching of Owens with Doi and Lunsford in order to provide a mutually beneficial connection between two entities in order for enhanced communication between the computers as supported by Owens (col. 4, lines 59-64).

#### **(10) Response to Argument**

Appellant's arguments (Brief, pages 14-25) have been fully considered.

Appellant argues, in substance, that (A.1) the combination of Doi in view of Lunsford do not render obvious the subject matter of claim 1 as a whole. The Examiner disagrees. Appellant argues the teachings of Doi and Lunsford separately instead of the combination as described in the rejections above. Appellant is aware that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combination as described above clearly teaches claim 1 as a whole and therefore should be maintained.

Appellant argues, in substance, that (A.2) the rejection of claim 1 lacks any rational underpinning to support the legal conclusion of obviousness. The Examiner disagrees. As stated in the Advisory Action, Lunsford would receive the services provided by the service provider via an inquiry page which is conducted anonymously

(Lunsford: col. 5, lines 32-50). The user of the PID also establishes particular preferences for the access providers, including security preferences (e.g. abstract; Figure 6, ref. 420). Once the particular access points are ascertained based on the user's preferences, a user can establish a connection at the obtained security level (i.e. privacy level). Based on this security level ascertained by the inquiry page of Lunsford, the users profile information can be filtered via the profile filtering system (Figure 12; ¶ 69) of Doi to coincide with the requirements of the selected access provider. It would have been obvious to one of ordinary skill in the art combine the teaching of Lunsford with Doi since Lunsford describes a modification of a similar service access system, and therefore one of ordinary skill in the art would find it obvious to combine the teachings of Lunsford with the system of Doi in order to realize the benefits described in Lunsford with the system of Doi, namely the ability to simplify the user's experience of selecting an optimum network access provider (Lunsford: col. 1, lines 40-45).

Appellant argues, in substance, that (A.3) the rejection of claim 1 would render Doi unsatisfactory for its intended purpose and change its principle operation. The Examiner disagrees. The principle operation, contrary to Appellant's belief, is to providing various services to a mobile user (p. 1, ¶ 1). The incorporation of Lunsford merely eases the establishment of a connection to a network access server to access these particular services. Lunsford does not prevent the service providers of Doi from providing services to the mobile user, rather they would help the user establish a connection to the service providers. By this rationale, the combination of Lunsford with

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Doi would not change the principle operation of Doi, and therefore the rejection should be maintained.

Appellant provides similar arguments in (B) for claim 34 and therefore the Board is respectfully referred to the points detailed in (A.1) to (A.3) above.

Appellant argues, in substance, that (C) dependent claims 4-9 are non obvious. The Examiner disagrees.

- With respect to claim 4, Doi clearly demonstrates sending anonymous information to the particular service providers (see rejections above).  
Furthermore Lunsford discloses a Bluetooth device sends an inquiry message to discover the devices in range. This inquiry message does not contain any information about the source, and therefore can be construed to be anonymous (Lunsford: col. 5, lines 32-50). The combination of Doi-Lunsford clearly demonstrates the use of anonymous recognizing of services.
- With respect to claim 5, Doi clearly demonstrates service categories (see rejections above). Furthermore Lunsford further discloses the inquiry message can include which class of devices should respond which reasonably can be read on the claimed "service categories" (Lunsford: col. 5, lines 31-50). The combination of Doi-Lunsford clearly demonstrates the use of service opportunities with specific service categories.



Appellant fails to make any specific arguments with respect to claims 6-9 and therefore are not discussed. For these reasons, claims 4-9 are clearly obvious over Doi in view of Lunsford and the rejection should be maintained.

Appellant further argues, in substance, that (D) dependent claim 21 is non-obvious. The Examiner disagrees. The dynamic user profile of Doi is construed as the "subset of profile information" (it is a subset because the dynamic does not include the static user profile information). The mobile device already knows whether or not a particular server is a location-dependent service providing server or a location-independent service providing server, and therefore knows which subset of the profile information to send to the particular service providing server. When taken in context with Lunsford, the anonymous inquiry message would gather the security profile information needed for each of the devices in range, and therefore when the user communicates with one of these devices, will be able to determine which subset of profile information would be shared with the particular device. By this rationale the rejection should be maintained.

Appellant argues, in substance, that (E) dependent claim 23 is non-obvious. The Examiner disagrees. This relates closely with claim 21 in the sense that before a user requests services from the particular service provider, the mobile unit would already know, based on preconceived knowledge, what subset of the particular profile the service provider is looking for. If it requires location dependent information, then it will

submit the dynamic information profile. If it does not require location information, it will then submit the static information profile. When taken in context with Lunsford, the inquiry message would gather the security profile information needed to communicate with the devices in range. This information would require communication with the service provider prior to the establishment of the communication session. By using the information disclosed in the inquiry response, the user would then know what type of information the service provider is looking for. By this rationale, the rejection should be maintained.

Appellant argues, in substance, that (F) dependent claim 27 is non-obvious. The Examiner disagrees. The Examiner makes the assertion that tracking a user's state on a device is well known. As support for this assertion, the Examiner submits Shrader et al. (USPN 6,374,359) (hereinafter Shrader). Shrader discloses that cookies are used to track a user's state throughout an HTTP session on a server (col. 4, lines 35-45). These cookies keep track of various information such as how many times a user has visited a particular site within the browser. Each time a user logs into a webpage, the cookie is submitted with the request. The server can then update the information and resend the cookie back to the user in order to keep track of the user's state. By combining this cookie based tracking with the dynamic profile information of Doi, a user would be able to keep track of numerous interactions and transactions rather than just his location, which may affect how the service provider's provide service (i.e. if a user has visited a particular area or performed a particular transaction, a service provider

may provide a service based on that information). By this rationale, the rejection should be maintained.

Appellant argues, in substance, that (G) dependent claim 28 is non-obvious. The Examiner disagrees. Doi-Lunsford discloses the use of the invention in an automobile (see Doi: Figure 14). As the automobile travels, numerous access points would be detected by the inquiry signal as described in Lunsford (see above), which would update the list of detected access providers. This clearly demonstrates the teaching of updating service opportunities by a service operator and therefore the rejection should be maintained.

Appellant argues, in substance, that (H) dependent claim 36 is non-obvious. The Examiner disagrees. Doi-Lunsford discloses a user device detecting a plurality of network access providers according to security requirements (Lunsford: e.g. abstract). Doi also discloses determining what information from the user is sent to the particular server based on what type of profile the server requires (see rejections above). Based on these two teachings, one of ordinary skill in the art would be able to utilize the profile filtering techniques disclosed in Doi with the security requirements described in Lunsford in order to provide efficient communication over the network based on the security requirements of the network. For these reasons the rejection should be maintained.

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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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